

## SECOND DIVISION

**[G.R. No. 116792. March 29, 1996]****BANK OF THE PHILIPPINE ISLANDS and GRACE ROMERO, *petitioners*, vs. COURT OF APPEALS and EDVIN F. REYES, *respondents*.****D E C I S I O N****PUNO, J.:**

Petitioners seek a review of the Decision<sup>1</sup> of respondent Court of Appeals in CA-G.R. CV No. 41543 reversing the Decision<sup>2</sup> of the Regional Trial Court of Quezon City, Branch 79, and ordering petitioners to credit private respondents Savings

Account No. 3185-0172-56 with P10,556.00 plus interest.

The facts reveal that on September 25, 1985, private respondent Edwin F. Reyes opened Savings Account No. 3 185-0172-56 at petitioner Bank of the Philippine Islands (BPI) Cubao, Shopping Center Branch. It is a **joint AND/OR account with his wife, Sonia S. Reyes**.

Private respondent also held a joint **AND/OR Savings Account No. 3185-0128-82 with his grandmother, Emeteria M. Fernandez**, opened<sup>3</sup> on February 11, 1986 at the same BPI branch. He regularly deposited in this account the U.S. Treasury Warrants payable to the order of Emeteria M. Fernandez as her monthly pension.

Emeteria M. Fernandez died on **December 28, 1989** without the knowledge of the U.S. Treasury Department. She was still sent U.S. Treasury Warrant No. 21667302 dated **January 1, 1990** in the amount of U.S. \$377.003 or P10,556.00. On **January 4, 1990**, private respondent deposited the said U.S. treasury check of Fernandez in Savings Account No. 3 185-0128-82. The U.S. Veterans Administration Office in Manila conditionally cleared the check.<sup>4</sup> The check was then sent to the United States for f